

ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the label bore the statement, "Guaranteed by The Gui-A-Col Medicine Co., Inc., under the Food and Drugs Act, June 30, 1906, No. 34307," which statement was false and misleading.

On April 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9270. Misbranding of grapes. U. S. * * * v. Harry W. Hall. Plea of guilty. Fine, \$25. (F. & D. No. 12316. I. S. No. 17333-r.)

On August 24, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry W. Hall, Himrod, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 4, 1919, from the State of New York into the District of Columbia, of a quantity of grapes which were misbranded. The article was labeled in part: "3 Lbs. Net Seneca Lake Catawba Grapes Packed For Harry W. Hall, Himrod, N. Y."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "3 Lbs. Net," borne on the labels attached to the baskets containing the article, regarding the article, was false and misleading in that it represented that said baskets each contained 3 pounds net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said baskets contained 3 pounds net thereof, whereas, in truth and in fact, each of said baskets contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 14, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9271. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 59 $\frac{1}{2}$ Dozen, 30, 1 Gross, 34, and 3 Dozen Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12841, 12842, 12843, 12844, 12845. I. S. Nos. 464-r, 468-r, 446-r, 452-r, 450-r. S. Nos. E-2335, E-2336, E-2337, E-2338, E-2339.)

On June 12, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 59 $\frac{1}{2}$ dozen bottles, 30 bottles, 1 gross bottles, 34 bottles, and 3 dozen bottles, respectively, of Gauvin's Cough Syrup, remaining unsold in the original unbroken packages at Waterbury, Norwich, and Willimantic, Conn., alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., on or about August 7 and 23, 1919, February 19, 1920, and June 24, 1920 [1918], and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Bottle) " * * * For * * * 'La Grippe,' Whooping Cough & all other affections of the Throat & Lungs;" (carton, in English and French) " * * * Recommended For * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung

Diseases;" (circular) " * * * Successfully used in all affections of the Throat, Bronchi, and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs * * *," (in French " * * * Used against all affections of the throat, bronchi and lungs * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of colds, bronchitis, the most obstinate catarrhs, asthma, whooping cough, grippe, hoarseness, influenza and the first stages of consumption * * * tuberculosis and * * * epidemic grippe * * * diseases of the chest * * * gastric disorders * * *") The remainder of the article was labeled in part: (Bottle) " * * * For 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs, * * *;" (carton, in English and French) " * * * Recommended For * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all diseases of the Respiratory Organs * * *;" (circular, in English and French) " * * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficent relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and curative effects thereof were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for la grippe, whooping cough, catarrh, asthma, influenza, etc., when, in truth and in fact, it was not composed of and did not contain ingredients effective for the purposes named.

On September 15 and October 28, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BAIL, *Acting Secretary of Agriculture.*

9272. Adulteration of tomato purée. U. S. * * * v. 93 Cases * * * of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12865. I. S. No. 9136-r. S. No. C-1954.)

On June 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 93 cases of tomato purée, at Chicago, Ill., alleging that the article had been shipped by the Lapel Canning Co., Lapel, Ind., on February 28, 1920, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.